Notice of Allowability	Application No.	Applicant(s)
	10/523,156	SAALASTI ET AL.
	Examiner	Art Unit
	Navin Natnithithadha	3735
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication GHTS. This application is subject to	plication. If not included will be mailed in due course. THIS
1. This communication is responsive to <u>16 October 2006</u> .		
2. The allowed claim(s) is/are <u>1-17</u> .		
3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ some* c) ☐ None of the: 1. ☑ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL. must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	 5. ☐ Notice of Informal P 6. ☐ Interview Summary Paper No./Mail Dat 7. ☐ Examiner's Amenda 8. ☐ Examiner's Stateme 9. ☐ Other 	(PTO-413), te <u>20061016</u> .

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher J. Fildes on 16 October 2006.

The application has been amended as follows:

In claim 1, line 9, please delete the word "optional".

In claim 1, line 11, please delete the word "optional".

In claim 1, line 15, please delete the word "optional".

In claim 11, line 1, please delete the word "predicted".

REASONS FOR ALLOWANCE

- 2. Claim 1 has been amended. Claims 1-17 are pending.
- 3. The 35 U.S.C. 112, second paragraph, rejections to claims 1-17 are WITHDRAWN in view of the Amendment.
- 4. Applicant's arguments, see Remarks on page 6, filed 25 September 2006, with respect to claims 1-17 have been fully considered and are persuasive. The 35 U.S.C. 101 rejections of claims 1-17 have been withdrawn.

Application/Control Number: 10/523,156 Page 3

Art Unit: 3735

5. Applicant's arguments, see Remarks on pages 6-8, filed 25 September 2006, with respect to claims 1-17 have been fully considered and are persuasive. The 35 U.S.C. 102(e) rejections of claims 1-17 have been withdrawn.

- 6. Claims 1-17 are allowed.
- 7. The following is an examiner's statement of reasons for allowance:

Claims 1-17: Neither Fukuda nor the prior art of record does not teaches a method for providing an index depicting a person's accumulated body fatigue, comprising the steps of: calculating an upslope component and an optional downslope component of the index determine with the measured parameters; calculating a combination of the upslope and the optional downslope components; and calculating each next value of the index as a sum of the previous value of the index and a difference formed from the combination; wherein the upslope component and the optional downslope component are each calculated according to a function.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (571) 272-4732. The examiner can normally be reached on Monday-Friday, 8:00-4:00.

Application/Control Number: 10/523,156 Page 4

Art Unit: 3735

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navin Natnithithadha

Patent Examiner - GAU 3735

16 October 2006

ROBERT L. NASSER

PRIMARY EVANINES